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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/881,208	06/15/2001	Avraham Avitzour	003955.00019	5124

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EXAMINER

PEREZ, ANGELICA

ART UNIT	PAPER NUMBER
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2684

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DATE MAILED: 05/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/881,208

Applicant(s)

AVITZOUR ET AL.

Examiner

Angelica M. Perez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1 and 2 are rejected under 35 U.S.C. 102(e) as being anticipated by Leopold (Leopold et al.; US Patent No.: 6226,493 B1).

Regarding claim 1, Leopold teaches of a method of providing hot back-up for a satellite communication satellite system comprising collocating two satellites (column 1, lines 34-42); and utilizing a complementary channel arrangement for the two satellites which facilitates full dual pole coverage continuity when one of the satellites fails (columns 11 and 12, lines 50-67 and 1-33, respectively).

Regarding claim 2, Leopold teaches of a system comprising: a first satellite configured to include multi-spot beams having a first channel arrangement (column 8,

lines 56-67); a second satellite (column 7, lines 10-12), co-located with the first satellite (column 3, lines 52-55), having a second channel arrangement complementary with the first channel arrangement (columns 11 and 12, lines 50-67 and 1-33, respectively; where it is "arranged" for the second link to be established before/after the first unit breaks the link).

3. Claims 3 and 5 are rejected under 35 U.S.C. 102(e) as being anticipated by (Tong et al; US Patent No.: 6,337,658 B1).

Regarding claims 3 and 5, Tong teaches of a method and network operations center of operating a two-way communication satellite communicating comprising (figure 1): receiving Ka band frequency channels from Hub and converting the Ka band frequency channels to Ku band frequency channels for downlink directed messages to a plurality of user terminals (figure 1, items 10, 34 and 36; columns 4 and 5, lines 66-67 and 1-12) receiving Ku band frequency channels from a plurality of user terminals and converting the Ku band frequency channels into Ka band frequency channels and outputting the Ka band channels to the Hub (figure 1, items 20, 34 and 36; columns 4 and 5, lines 66-67 and 1-12).

4. Claim 4 is rejected under 35 U.S.C. 102(e) as being anticipated by Cable (Cable et al.; US Patent No.: 6,570,859 B1)

Regarding claim 4, Cable teaches a first interface configured to communicate using Ka frequency band channels (column 1 lines 18-20) and a second interface configured to communicate using Ku frequency band channels (column 1, lines 20-22)4-26;)and; a gateways configured to send and receive data to the communications

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satellite using the Ka frequency band channels (column 1, lines 14-20); and a plurality of user terminals configured to send and receive data to the communications satellite using Ku frequency band channels (column 1, lines 20-26).

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 6, 7 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Lo (Lo, Gerard J.; EP Application No.: 472,018 A2).

Regarding claim 6, Lo teaches of a multi-mode communication satellite (abstract) comprising a two antenna system (figure 1, items 9 and 10, including items 1,2,3 and 4) and a switch (figure 1, item 6) configured to switch a plurality of transponders between a spot beam mode and a generic beam mode (column 6, lines 52-68 and column 7, lines 1-6).

Regarding claim 7, Lo teaches all the limitations of claim 6. Lo further teaches where the switch is configured to switch all of the transponders or a portion of the transponders (column 7, lines 25-29; where transponders are inherent in satellite systems).

Regarding claim 8, Lo teaches of a satellite comprising: a first antenna system having multiple spot beams (column 1, lines 38-50); a satellite control (column 1, lines

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54-68) configured to control the first antenna system to switch transponders from one spot beam to another responsive to control channels (column 6, lines 12-23).

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angelica Perez whose telephone number is 703-305-8724. The examiner can normally be reached on 7:15 a.m. - 3:55 p.m., Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 703-308-7745. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the TC 2600's customer service number is 703-306-0377.


Angelica Perez
(Examiner)


NAY MAUNG
SUPERVISORY PATENT EXAMINER

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May 14, 2004